

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JOSEFINA MADRID, Guardian ad Litem for  
JOSE JARAMILLO, an incapacitated person,

Plaintiff,

v.

CORRECTIONS CORPORATION OF  
AMERICA, a Foreign Corporation, CIBOLA  
COUNTY CORRECTIONAL CENTER  
WALT WELLS, WARDEN, and RODDIE  
RUSHING, WARDEN,

Defendants.

NO. 1:11-cv-00267

**NOTICE OF REMOVAL**

Defendants, Corrections Corporation of America, Cibola County Correctional Center, and Warden Roddie Rushing, through counsel, pursuant to Rule 81(c), FED.R.CIV.P., hereby notice the removal of the above-captioned case from the Second Judicial District Court, County of Bernalillo, State of New Mexico, filed under Case No. D-202-CV-201101754, to this Court and in support thereof assert:

1. On or about February 15, 2011, Plaintiff filed a Complaint against the above-captioned Defendants in the Second Judicial District Court, County of Bernalillo, State of New Mexico, filed under Case No. D-202-CV-201101754, under the caption *Josefina Madrid v. Corrections Corporation of America, Cibola County Correctional Center, Warden Walt Wells and Warden Roddie Rushing*. A copy of the Complaint and all documents filed with it are attached as Exhibit "A."

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1332. This action may be removed pursuant to 28 U.S.C. § 1441(b) because Defendant Corrections Corporation of America ("CCA") is not a citizen of the State in which such action is brought. Defendant CCA is a Maryland Corporation, with its principal place of business located in Davidson County, Tennessee. Defendant conducts business in New Mexico. Defendants Wells and Rushing were not residents of the State of New Mexico at the time the Complaint was filed and are not currently residents of the State of New Mexico. Further, Plaintiff's Complaint alleges damages in excess of \$100,000.00, which exceeds the \$75,000 minimum requirement for federal jurisdiction.

3. Defendant Warden Wells, to date, has not been properly served a copy of the summons and complaint. Warden Wells does not waive service of the Complaint. Warden Wells does not object to removal, which should not be construed as a waiver of service or waiver of defenses for lack of proper service.

4. This Notice of Removal is being filed within thirty (30) days after initial receipt of the Complaint and is timely filed under 28 U.S.C. § 1446(b).

5. Defendants CCA and Rushing's Answer to Plaintiff's Complaint will be filed within five days of the filing of this removal.

6. All parties in this matter have been served (except as otherwise noted) and consent to removal.

7. A Notice of Filing Notice of Removal in federal court, a true and correct copy of which is attached as Exhibit "B," will be contemporaneously filed in the Second Judicial District on behalf of Defendants.

WHEREFORE, Defendants respectfully request that the above action now pending in the Second Judicial District for the State of New Mexico, County of Bernalillo, be removed to this Court.

DATED this day 28<sup>th</sup> of March, 2011.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By /s/ Aaron C. Viets

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Attorneys for Defendants Corrections Corporation of America, Cibola County Correctional Center, and Warden Roddie Rushing

**CERTIFICATE OF SERVICE**

I hereby certify that on March 28, 2011, I electronically transmitted the attached document to the Clerk's Office using CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrant and I caused the foregoing to be sent via U.S. mail as follows:

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/s/ Aaron C. Viets